



**MINUTES OF THE MEETING OF THE  
CITY COUNCIL OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, April 9, 2002, 8:00 p.m.**

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**MEETING**

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Hilson.

**ROLL CALL**

Present: COUNCIL MEMBERS Jimenez (8:53 p.m.), Hilson,  
Rodriquez, Ward, Dowling, Henson  
MAYOR Cooper  
Absent: None

**PRESENTATION: Business Recognition Award**

The April 2002 business recognition award was presented to Metabolex, a leading biopharmaceutical company located in Hayward. Metabolex's mission is to discover and develop novel therapeutics for the treatment of type II diabetes. Since 1991, Metabolex has grown from 10 to 75 employees, expanding their facilities from 15,000 to 35,000 square feet. Metabolex will hire approximately 15 to 20 additional people in the next six months and will continue expanding in Hayward to approximately 50,000 square feet in the next few years. Metabolex was selected for its contributions to the City's local economy by creating new job opportunities in Hayward and for attracting positive attention to the city in their quest to find a cure for diabetes type II. Mr. Thomas Glaze, President and Chief Executive Officer and founder, accepted the April Business Award on behalf of Metabolex. He informed that Council that his firm has been in Hayward for ten years and this is the first award from the City. He commented that Hayward is a good place to start a company and grow. He appreciated Council support.

**PUBLIC COMMENTS**

Mayor Cooper expressed her concerns with the misuse of this portion of the agenda by various individuals. She referenced the Council Handbook and noted that public comments should be focused on issues or concerns related to City business. She expressly asked that public comments not be lectures, but topics that can be addressed by this Council as the public's business.

Francisco Abrantes spoke on noise caused by a construction project.

Roy Gordon as President of the Southgate Area Homeowners spoke on their behalf. He congratulated the incumbents that were elected and the challengers in the recent Municipal Election as participants and partners of democracy. He encouraged all to participate and vote. He reiterated Council Member Hilson's comments of March 26 reminding all to return to civility at a Council meeting.

**DRAFT**

Council Member Rodriguez congratulated Roy Gordon for his efforts as a Council candidate.

Natalie Rocha, a Youth Commissioner, and President of the Environmental Club at Moreau High School spoke regarding the efforts of her club, which were recently featured in the Daily Review.

She described the various activities of the club, including recycling programs, donation activities, and a school-wide waste audit. She noted that there are plans to make a future documentary. She hoped that the Council would recognize that youth in Hayward are determined to improve the environmental quality of our community and thanked the Council for its support toward youth.

Jim Drake reiterated his concerns against a neighbor who is remodeling a home on Franklin Avenue and is using improper drainage procedures and referred to a recent letter he mailed to the City.

Mayor Cooper requested that Public Works staff investigate this problem. City Manager Armas indicated that staff would contact him in the next few days.

Jason Moreno indicated that he would be speaking on police and policing.

Mayor Cooper asked if he had a particular issue that he would be bringing forth. He indicated that he did and discussion occurred. She then asked Mr. Moreno to sit down. When he refused, she asked that a police officer escort Mr. Moreno out of the Council Chamber.

Barbara Swarr spoke on a story she heard on KNPR related to redevelopment.

#### **CONSENT**

Council Member Jimenez was absent from this portion of the meeting. All items were removed for further discussion and questions.

#### **1. Approval of Minutes of the City Council Meeting of March 26, 2002**

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried with Council Member Jimenez absent, to approve the minutes, as corrected, of the City Council Meeting of March 26, 2002.

Council Member Dowling reported that he received a call from Ron Barklow related to his comments on page one of the minutes. The following sentence will be added, "He also asked the City to ask Cal State to open Harder Road to traffic."

Council Member Ward inquired on the amendment of minutes. It was noted that staff verifies what was said by listening to the audio recording of the meeting before making the requested change.



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**2. Approval of Minutes of the City Council Meeting of April 2, 2002**

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried, with Council Member Jimenez absent, to approve the minutes, as corrected, of the City Council Meeting of April 2, 2002.

**3. Transportation Development Act (TDA) Article 3 Funds: Wheelchair Ramps - Authorization to file Application**

Staff report submitted by Deputy Director of Public Works  
Bauman, dated April 9, 2002, and was filed.

Charlie Cameron commented on the wheelchair ramps that were installed in the Fairway Park neighborhood that coincide with the AC Transit Bus Route 21. He noted that since that route was eliminated, bus riders in wheelchairs have difficulty taking the bus in the new route because of the lack of ramps. He asked for the cost of construction of one ramp and when will construction start.

Public Works Director Butler responded that the wheelchair ramp installation is in conjunction with the sidewalk repair program to maximize the benefit of the contract. He noted that Mission Boulevard is a State highway and the City's policy is to install in the City on neighborhood streets before installing on a State highway. The intent of the installation is to provide mobility in our neighborhoods and not the bus routes. He estimated that the individual cost is about \$2,500.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried, with Council Member Jimenez absent, to approve the following:

Resolution 02-038, "Resolution Authorizing the City Manager to  
Submit a Grant Application for Funds to Construct Wheelchair  
Ramps for Fiscal Year 2002-2003"

**HEARINGS**

- 4. Zone Change Application No. 2001-0206 and Site Plan Review Application No. 2001-0207-Tiburcio Vasquez Health Center, Inc. (Applicant), St. Vincent DePaul Society of Alameda County (Owners) - Request to Rezone Property from PD (Planned Development) to CC-C (Central City - Commercial) Sub District/SD-3 (Cottage Special Design Overlay) - The Project is Located at 22331 Mission Boulevard**

**DRAFT**

Staff report submitted by Director of Community and Economic Development Ehrenthal, dated April 9, 2002, and was filed.

Planning Manager Anderly made the staff report, depicting the project area on an aerial photo, noting that it was zoned central city commercial and then to planned development. Now the applicant would like to revert back to the previous zoning. She noted that the existing cottages would be demolished. She noted the issues exist in the design of the building. She responded to Council questions and stated the staff recommendations.

Council Member Henson inquired on the location of the "right-only" sign that will be posted on exiting the property onto Mission Boulevard. He was concerned of its visibility and size.

Planning Manager Anderly assured him of its visibility.

Council Member Dowling noted that the former auto business site at the corner of Grace and Mission does not look any better since the City revoked its permit. He asked about the turf area. Lastly, he commented favorably on the architect's choice of colors.

Staff reported that court procedures dictated its vacancy. Regarding the turf area, staff indicated that except for some additional dressing up, it would remain.

Council Member Hilson commented on the lack of drawings with specific information for this project. He noted that conceptual drawings included in the packet are inadequate and make it extremely difficult in making a decision based on what was provided. He stated that he needed to make his own interpretations on what the project actually entails. He asked staff to provide more detailed drawings on any future projects presented to Council. He felt that parking would be a critical issue, even though the staff report notes that walking would be the mode of transportation to the clinic. He expressed concern on the hours of operation and their impact to the neighborhood.

City Manager Armas indicated that it is not uncommon to have commercial businesses open until 10 p.m. on Mission Boulevard.

Discussion ensued on the site plan, the possibility of placing a tot lot on the site, future expansions, security, and staff parking.

Council Member Jimenez referred to the letter sent by Celeste Perry. It was noted that she would be speaking during the public input portion of the hearing.

Cliff Sherwood, Project Manager, introduced the representatives of the Tiburcio Vasquez Clinic. Joel Garcia briefed the Council on the center's activities and operations, which has been in existence for over 30 years, with a facility in Hayward on Calaroga Avenue for over 15 years. In response to Council's questions, it was noted that both the traffic study and the parking study were developed based on the clinic's full-patient capacity.



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Council Member Ward reported that he met with Mr. Sherwood and related some of his concerns that included the hours of operation.

Council Member Hilson suggested that the white picket fence included in the conditions of approval be replaced with a wrought iron type. With the concurrence by Mr. Sherwood, he asked that this be included in the motion. It was later reported that the revised conditions of approval did include the wrought iron fence. On the issue of the hours of operation, Council Member Hilson suggested a 9 p.m. closing as transportation is difficult for those patients who need to use public transportation. Mr. Garcia responded that the evening use would be for small group settings, such as prenatal classes, staff business meetings, patient assistance programs, and cancer support groups.

Council Member Rodriguez acknowledged the excellent reputation of the clinic currently in her neighborhood. She also expressed her concerns related to noise that could extend to the neighborhood.

There was additional discussion as to the hours of operation and the closing of the side exit gate as well as security in the parking lot and for the building.

Mr. Garcia reported that this clinic, unlike physician's offices, is under the regulations and conditions of the State of California and must adhere to those guidelines and periodic inspections. It is under a higher level of scrutiny for its pharmacy as well.

Council Member Henson asked about signage. Mr. Sherwood made a brief overview of signage.

Council Member Henson inquired on the number of patients seen annually, and it was noted that it is currently 15,000. He also asked whether referrals to other health agencies and/or physicians would be a problem for the patients. One of the staff doctors of the clinic indicated that there is a current network of physicians that can provide assistance and the building will be built under State review for emergency vehicle access.

Council Member Jimenez read from a letter from Celeste Perry requesting that Pearce Street be made into a one-way street. He asked whether this is possible and whether there would be an impact to the construction of the project.

City Manager Armas noted that this topic is not before the Council for action this evening. Prior to any action, staff would review the traffic patterns involved and solicit feedback from the residents in the neighborhood.

**DRAFT**

Council Member Dowling asked about the turf area of the site. He also asked about whether staff has considered any safeguards for potential patients crossing at Mission Boulevard. He asked that staff work with the applicant and perhaps AC Transit to make it a safe environment.

Mr. Garcia responded that the area would remain as is and will be enjoyed by the staff. Currently there are no current long-term uses, except to consider something for children. In regards to the Mission Boulevard crossing, it would be considered.

Council Member Ward commented that this is an excellent project and asked whether Mr. Garcia knew of any other facilities providing primary care service. He was not aware of one but indicated that the facility is part of a group project in the Bay Area that has served thousands of uninsured patients.

Mayor Cooper opened the public hearing at 9:35 p.m.

Celeste Perry expressed concern for the residents dwelling on Pearce Street. She referred to her letter requesting that Pearce Street be made a one-way street. She asked what is the proper course to have the Council consider her request.

City Manager Armas suggested that she provide a petition to staff with names of residents interested in this change. It would be used to gather information from the residents as well as invite them to discuss this issue. The petition can be presented to Public Works staff.

Ms. Perry noted most of the residents are renters and it may be difficult.

Mayor Cooper closed the public hearing at 9:38 p.m.

Council Member Ward commended the efforts made to bring forward this project. He was pleased with the architectural rendering and the selection of colors. In regards to the time, he felt that the effort to close access to the side streets mitigates impacts to the neighborhood. He moved for approval of the project as recommended. He reiterated the replacement of the picket fence to wrought iron as suggested by Council Member Hilson. He concurred with the proposed time of operations.

Council Member Henson seconded the motion, noting the need for health care and the proximity of public transportation. He felt that the project's impacts and issues have been mitigated and this project is needed in this area. He commended the efforts made in the presentation by the applicant. He asked about lighting and suggested that security measures be taken in the area for staff parking.

City Manager Armas responded that the applicant must submit a lighting plan for staff approval.

Council Member Ward, in response to Council Member Hilson's remarks regarding the project drawings, cautioned staff to provide the necessary data for such projects.



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Council Member Dowling stated that this is a great addition to the City and is well needed in this area and wished the applicants success.

Council Member Hilson suggested some friendly amendments related to the employee parking, the wrought iron fence and that video or equivalent surveillance equipment be installed for safety reasons in the parking lot.

Council Member Ward, the maker of the motion, presumed that the lighting plan that is proposed is intended to deal with that issue. Staff concurred. He would not be supportive of that amendment to his motion.

Council Member Hilson stated that he did not consider lighting as a security measure. It is slightly helpful, but does not solve the problem. He asked the applicant to seriously consider installing such equipment.

Council Member Jimenez indicated that he would be voting against the motion. In his opinion, the location is not a favorable site, but would serve the community better if it were located in the Tennyson area.

Council Member Rodriguez stated that she favors the project for its location to the northern area of the City and noted that she presumed this would be a welcomed service for those residents in need. She has spent much time in the Fuller Street area and recognizes this facility as one that is needed in this part of the community. She appreciated this project.

Mayor Cooper commented that she is in favor of the project, in particular for uninsured and undocumented patients. She noted that it is an appropriate use for north Hayward. She noted that a bike rack would be installed as well for patient use. Her final comment was to the applicant to review methods in the prevention of prostitution, as this area is known for such activity.

City Manager Armas noted that the final conditions of approval do address this. Acting City Attorney Connelly suggested that rather than a specific time, the condition of approval use "dusk" as a gauge to closing the gate.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried to introduce and approve the following with a roll call vote as follows:

Introduce Ordinance 02-\_\_\_, "An Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory Located on Mission Boulevard Pursuant to Zone Change Application No. 2001-0206"

Resolution 02-039, "Resolution Approving Zone Change Application No. 2001-0206 and Site Plan Review Application No. 2001-0207 and Certifying that the Initial Study and Negative Declaration have Been Completed in Compliance with the California Environmental Quality Act"

## **LEGISLATIVE BUSINESS**

### **5. Authorization for the City Manager to Execute a Professional Services Agreement with Economic & Planning Systems**

Staff report submitted by Airport Manager Shiner, dated April 9, 2002, and was filed.

Public Works Director Butler made a brief presentation, noting the expected closure of the Festival Cinema, which will be a vacant parcel for re-use. It is appropriate to identify particular retail uses for the vacant parcels along Hesperian. The use of a specialist in this field, real estate and fiscal analysis, is needed at this time. The scope of work will be to identify the existing conditions that affect those parcels and to identify specific uses for those parcels. This consultant will provide marketing opportunities and identify potential tenants as well as make estimates of preliminary lease revenue to the City. The contract has been negotiated not to exceed a total of \$47,500 with Economic & Planning Systems.

City Manager Armas noted that public input from the residents in that area would be one of the first steps in this process.

Council Member Dowling agreed that the Airport Committee may be a good venue for this type of discussion and asked that staff notify the San Lorenzo Village Homeowners Association, as well as representatives from Alameda County Board of Supervisors, and the Hayward Area Recreation and Park District.

Council Member Ward asked that in the future, the scope of work be included in the agenda report. Lastly, he asked whether women owned or minority owned consultants submitted proposals. City Manager Armas responded that this would be discussed at a future session.

Council Member Hilson asked if this could be agendized for a work session.

Council Member Jimenez asked whether the Airport Committee had made a recommendation.



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City Manager noted that it reviewed the broad scope of the undertaking. He also indicated that the Council could provide input by way of the Airport Committee. It was noted that even though there are three Council Members serving, the others could attend the meetings in accordance with the Brown Act meeting law.

There was a question on the Airport Committee meeting time, which is 5:30 p.m.

Council Member Rodriguez, as the Chair of the Airport Committee, suggested that she is open to a work session and asked how it would impact this action.

It was noted that it would have no bearing at this time.

There were no requests to speak, Mayor Cooper opened and closed the public hearing at 10:10 p.m.

Mayor Cooper felt that having it go before the Airport Committee would provide public input prior to the work session. The three Council Members on this committee are rather knowledgeable of what occurs during those sessions and familiar with those concerned.

Discussion ensued on whether a work session needs to be scheduled. The public will be involved in the process and the results of any study will be reviewed by Council prior to the report being approved.

Council Member Ward moved to approve the recommendation. Council Member Henson seconded his motion.

Council Member Hilson clarified his suggestion to have a work session prior to gathering public input in order to assert leadership in this matter. He has not had an opportunity to provide input towards the airport.

Council Member Ward re-phrased his motion to proceed with the action and that prior to the consultant getting involved with public input, a scoping session with the Council will be conducted to clarify, if necessary, any issues associated with the scope of work.

City Manager Armas reported that the Airport Committee is scheduled to meet on Thursday, April 25, to discuss this. A work session could be scheduled for the preceding Tuesday for Council to provide input as to appropriate uses and then proceed with public input.

Council Member Hilson concurred with this motion.

**DRAFT**

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to approve the following:

Resolution 02-040, "Resolution Authorizing the City Manager to Execute an Agreement for Professional Consultant Services Between the City of Hayward and Economic & Planning Systems"

## **COUNCIL REPORTS**

There were no Council Reports.

## **ADJOURNMENT**

Mayor Cooper adjourned at 10:20 p.m. in memory of Don Felson, who passed away last Wednesday. In attending his funeral services on Sunday, she admired how his family commented on his character; he was a person deeply concerned about people. She highlighted a few of his life accomplishments, including serving in the Polish Underground at the age of fifteen. His uncle provided him with opportunities to begin his own construction business. He was a very hard worker. Mayor Cooper requested that a tree be planted to commemorate his life.

APPROVED:

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Roberta Cooper, Mayor, City of Hayward

ATTEST:

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Angelina Reyes, City Clerk, City of Hayward